

JJPSIA Oversight Council Meeting

Conference Call
May 6, 2020

Call the Meeting to Order

Chairman Greg Sattizahn called the meeting to order at 3pm.

Present

- Justice Janine Kern
- Justice Steven Jensen
- Judge Scott Myren
- Lindsey Riter-Rapp
- Kelly Marnette
- Bryan Harberts
- Senator Wayne Steinhauer
- Representative Kevin Jensen
- Senator Craig Kennedy
- Secretary David Flute
- Dr. Kelly Glodt
- Kristi Bunkers
- Charles Frieberg
- Greg Sattizahn
- Tiffany Wolfgang

Absent

- Angela Shute
- Commissioner Neil Von Eschen
- Tom Hart

Guests

- Annie Brokenleg, UJS
- Virgena Wieseler, DSS
- Jacquie Larson, DOE
- Melanie Boetel, DSS

State Diversion Coordinator Introduction

Mr. Sattizahn began the meeting by introducing Annie Brokenleg, the current JDAI Coordinator who will also soon be serving as the state diversion coordinator. He reminded the council as to how diversion programs operate and how they are paid. Due to Ms. Brokenleg's expertise with juvenile matters, she will take the lead on state diversion efforts as the technical assistance provider. For example, if a location has several crimes of a certain nature, she will find an appropriate type of diversion program. Additionally, she will be assisting with the data collection. Currently, data is limited to successful diversion or not a successful diversion. Mr. Sattizahn envisions her duties to also include studying other state diversion projects, as well as offering her services to cross-pollinate between counties.

Ms. Brokenleg told the council she is excited to begin her work with diversion. She believes studying the front end to find ways to keep the youth out of the judicial system is paramount to keeping the youth out of the adult system. As an added benefit, diversion is a cost-saving measure to the county. Ms. Brokenleg is eager to help communities expand what they currently have, as well as expand other opportunities.

Legislative Update

Mr. Sattizahn reviewed the two Oversight Council bills: [HB 1206](#), which revised certain provisions regarding the commitment of a delinquent child to DOC, and [HB 1207](#), which extended the termination date for the Oversight Council. Both bills passed and will be going into effect July 1.

Virgena Wieseler reviewed [SB 20](#), which was a DSS bill to create a monitor that would review and respond to complaints related to the care provided to youth in the custody or care to certain care

facilities, treatment centers, and programs. It is similar to the program DOC used when it operated state-run facilities. DSS will be releasing a RFP for selection of the monitor. Discussions are currently underway by the department to determine the best way for a youth, parents, staff and other placing agencies to submit a grievance to the monitor.

Plan for Remaining Policy Proposals

Identify and Provide Services to At-Risk Youth Prior to Criminal Justice System Involvement (Jacquie Larson, DOE)

Jacquie Larson, the Director of Accreditation, Certification, and Data Management at Department of Education (DOE), [presented](#) on the department's Project AWARE efforts. Project AWARE is a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA), through which the South Dakota DOE and South Dakota DSS - Division of Behavioral Health are partnering with school districts and community mental health centers to improve access to mental health services.

Members asked Ms. Larson about the differences between informal and formal assessments, how completion is tracked, and the relationship between children who are referred but do not complete treatment.

Determine Appropriate Resources Required for Psychiatric Residential Treatment Facilities (PRTF) in South Dakota to Serve Existing Populations of Justice Involved Youth as well as Non-Justice Involved Youth (Virgena Wieseler, DSS)

Ms. Wolfgang shared that DSS issued an RFP to conduct a comprehensive needs and gaps analysis of both privately and publicly funded behavioral health services in the state, including mental health and substance use prevention, treatment, and recovery supports. The [RFP](#) proposals are due May 22, and the draft report of the findings are due in November. The last comprehensive assessment occurred in the early 1990s and only captured substance use disorder treatment services. Ms. Wolfgang shared that over the last several years, there have been several efforts and initiatives to strengthen the behavioral health system and that the department felt it was time to look at the big picture around behavioral health and identify long-term strategic goals and plans to continue to strengthen the system. . The department is using federal block grant dollars to support the needs and gaps analysis as it is part of the federal requirements to conduct such work. . Ms. Wolfgang informed the council that the department would be soliciting feedback from various stakeholders including individuals that participate on the Oversight Council.

Recommend Statutory Changes to Promote the Expansion of Crisis Stabilization Beds and Invest Additional Dollars in Therapeutic Foster Homes in South Dakota (Greg Sattizahn, UJS)

Like many other initiatives, COVID-19 has delayed progress on this item. Mr. Sattizahn reported that it would be necessary to conduct a statutory review in order to provide recommendations, and suggested creating a small workgroup of experts and interested members. Representative Jensen informed the council that he had visited several locations last year that had crisis beds that are suited for the purpose, but not approved for juveniles. He thought there could be potential with these sites. Representative Jensen believed there would be more regulatory roadblocks than statutory roadblocks.

Representative Steinhauer volunteered to participate in the work group, as did Representative Jensen.

Representative Jensen also felt it would be important to include Department of Human Services, so they could educate the group as to why certain beds cannot be used for short-term services. Ms. Wolfgang

indicated that DSS is certainly willing to participate in conversations in this area as well. Ms. Wolfgang shared that it is important that crisis stabilization be defined as it relates to the adolescents and the justice system. Crisis stabilization can be needed when a family requires separation because of a heated situations vs. crisis stabilization as a result of a mental health crisis. Mr. Dosch added that [SB 4](#) from the last legislative session was analyzed to determine the overall use of hospitalization. He felt that SB 4, as well as the [SB 5](#) companion bill, would be good starting points. Mr. Sattizahn replied that he would research SB 4 and work with the impacted agencies to figure out a plan, as well as additional areas of research.

Expansion of Juvenile Justice Services Statewide (Melanie Boetel, DSS)

Melanie Boetel, DSS, reviewed what services are currently available. She reminded the council that telehealth is available, and is currently being used in lieu of traditional services due to the pandemic. She also discussed the state's Systems of Care expansion. The department is expecting to add Systems of Care in the upcoming fiscal year to the contracts for juvenile providers. Ms. Boetel added that the department continues to monitor need in the counties, and where in-person services are supported based on referrals. Services are available via telehealth statewide when referrals do not support in-person services in counties. She referenced the RFP Ms. Wolfgang had previously discussed.

Mr. Sattizahn requested updated material that shows where telehealth is currently being used. Justice Kern requested an update about what services are in place for each county. Ms. Boetel replied that she would provide FY 20 information, but she did not recall any changes between this fiscal year and the previous.

Invest Additional Dollars in the Diversion Incentive Fund; (Kristi Bunkers, DOC)

Ms. Bunkers reviewed the mechanics of the state's diversion incentive fund; it had been a popular discussion point during the previous legislative session with the appropriators. Since the program began in 2015, there had been an increase in the number of successful completers.

Justice Kern asked Ms. Bunkers for a list of the statewide diversion programs and if that was publicly reported in any of the Oversight Council materials. Ms. Bunkers replied that it was reported on an annual basis in the Oversight Council's appendix, and that JJPSIA Oversight Council staff would provide it to her.

Encourage Statewide Expansion of Community Response Teams; (Greg Sattizahn and Chuck Frieberg, UJS)

Mr. Frieberg reported to the council that COVID-19 had slowed the CRT expansion process. The members were working to figure out how to get it operating and the best approach during the beginning of the pandemic. Other responsibilities related to the virus had to be prioritized, but the efforts would resume as soon as it was feasible.

Support Strategies to Engage Families and Youth in Treatment Services to Increase Supervision and Treatment Success. (Kristi Bunkers, DOC, and Charles Frieberg, UJS)

Ms. Bunkers reported to the council that they had been meeting and discussing engagement as a smaller group, and identified a number of challenges. Overall, the completion rates are good. The team is working to build a relationship with the child, and then facilitates a good handoff to the local provider. While COVID-19 has caused some issues, the department is still working diligently to make the connections. Mr. Frieberg added that encouraging the families to start is one of the biggest issues, and

communication is always a challenge. Mr. Sattizahn agreed, and noted that the getting the child there is the greatest challenge.

Mr. Frieberg reported that it is important to make sure everyone is on the same page, and the Second Circuit was looking at scheduling the meetings on a quarterly basis to ensure cohesiveness.

Public Input

Mr. Dosch reported to the council that he and his organization have been working on school-based services. Local engagement is important at the local level, and will always require work. He added that he was excited about the prospect of CRT teams. Mr. Dosch noted his thankfulness for some of the legislation that passed last year that had an emergency clause for telehealth assessments. Providing mental healthcare during the time of COVID-19 would have been near impossible without the emergency clause. His providers are embracing technology like never before, and are working hard to continue providing their services.

Representative Jensen noted that several weeks ago his organization moved their client services to telehealth, and so far, it has been a success—especially for young people. He noted that he had some clients where children must pay for their own monitors, but are unable to afford it because COVID-19 prevents them from working. Representative Jensen asked if there was a way to defray or delay the cost of the monitors due to the hardships on children with monitors. Mr. Sattizahn responded that he was not aware of this occurring—the Second Circuit has a funding source in the budget to cover the cost of monitors for youth on probation—but he would investigate and report back to Representative Jensen. UJS has made many attempts to be responsive and flexible during the pandemic.

Secretary Flute thanked the members for all their work, and added that he was excited to be engage with the council in the future.

Motion to Adjourn

At 4:34 pm, Secretary Flute made the motion to adjourn, seconded by Representative Kelly Sullivan.